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APPLICATION NO.	FILING DATE		GROUP ART UNIT	
07/800,201	11/29/91	FORMAN	N 910022	

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DATE MAILED 09/24/92

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 8/31/92 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), ~~days from~~ the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☒ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 16-25 are pending in the application.

   Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 16-25 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____ ; filed on _____

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Applicant's election without traverse of the catheter in Paper No. 4 is acknowledged.

Claims 16-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 16, the distal tapered regions lack antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-18 and 22-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Jang.

Jang teaches the catheter as claimed. Note balloon 80 which is connected to the tubing by fusion bonds next to the tapered regions as disclosed on lines 47-51 of column 14. Note in particular that Jang teaches laser bonding. The tapered regions Jang catheter would inherently be substantially free of crystallization to allow for proper balloon inflation and deflation.

Claims 16-18, 22, 24, and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by either Gahara et al or Wolvek et

al.

Gahara et al teach the catheter as claimed. Note figure 5 and lines 47-51 of column 4.

Wolvek et al teach the catheter as claimed. Note lines 7, 8, and 13-18 of column 6.

Both the Gahara et al balloon and the Wolvek et al balloon tapered portions would inherent be substantially free of crystallization.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 19-21 are rejected under 35 U.S.C. § 103 as being unpatentable over Jang.

Jang teaches the catheter substantially. It is considered a conventional design expedient in the art to minimize the use of material to reduce the cost of a balloon catheter. One of

ordinary skill in the art would provide a neck region on the Jang catheter which is within the claimed range to reduce balloon catheter cost. Note that Jang teaches using laser bonding, which as admitted by applicant is capable of a bond within the claimed dimensions. In view of this above it would have been obvious to modify the Jang catheter with a bond length within the claim range.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Anthony Gutowski at telephone number (703) 308-2980.

JOHN D. YASKO
PRIMARY EXAMINER
ART UNIT 336

A.Gutowski/pw
September 23, 1992